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12 United States Securities and Exchange Commission

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION**
16

17 **SECURITIES AND EXCHANGE**
18 **COMMISSION,**

19 Plaintiff,

20 vs.

21 JAMMIN' JAVA CORP., dba MARLEY
22 COFFEE, SHANE G. WHITTLE,
23 WAYNE S. P. WEAVER, MICHAEL K.
24 SUN, RENE BERLINGER, STEPHEN B.
25 WHEATLEY, KEVIN P. MILLER,
26 MOHAMMED A. AL-BARWANI,
ALEXANDER J. HUNTER, and
THOMAS E. HUNTER,

27 Defendants.
28

Case No. 2:15-CV-08921 SVW (MRWx)
**PLAINTIFF SECURITIES AND
EXCHANGE COMMISSION'S
NOTICE OF MOTION AND MOTION
FOR PARTIAL SUMMARY
JUDGMENT AGAINST DEFENDANT
WAYNE WEAVER**

Hearing Date: May 8, 2017
Time: 1:30 pm
Hon. Stephen V. Wilson
Courtroom 10A

1 Plaintiff U.S. Securities and Exchange Commission (the “SEC”) respectfully
 2 moves the Court to enter summary judgment on the issue of liability on all claims
 3 against Defendant Wayne Weaver. In support of this Motion, the SEC is
 4 contemporaneously filing (a) a Memorandum in Support, (b) a Local Rule 56-1
 5 Statement of Uncontroverted Facts and Conclusions of Law, and (c) the Declaration
 6 of Timothy S. Leiman (counsel for the SEC) attaching copies of the exhibits cited in
 7 the Local Rule 56-1 Statement in support of the SEC’s motion. The SEC also will
 8 submit a Proposed Order through the Court’s ECF portal for proposed orders.

9 **WHEREFORE**, Plaintiff SEC respectfully requests that the Court grant the
 10 SEC’s Motion for Summary Judgment, and enter the proposed order submitted by the
 11 SEC. If the Court enters summary judgment against Defendant Weaver, the SEC will
 12 file a motion for appropriate remedies with the Court.

13 **TO THE COURT AND ALL PARTIES AND THEIR RESPECTIVE**
 14 **COUNSEL OF RECORD: PLEASE TAKE NOTICE that:**

15 On May 8, 2017 at 1:30 p.m., or as soon as possible thereafter as counsel may
 16 be heard, in the above captioned matter before the Honorable Stephen V. Wilson,
 17 United States District Judge, at the First Street Courthouse, 350 W. 1st Street,
 18 Courtroom 10A, 10th Floor, Los Angeles, California 90012, Plaintiff United States
 19 Securities and Exchange Commission shall and hereby does move for entry of
 20 summary judgment on the issue of liability as to Defendant Wayne Weaver. The
 21 motion is based on (1) the SEC’s Memorandum in Support; (2) the SEC’s Local Rule
 22 56-1 Statement of Uncontroverted Facts and Conclusions of Law; (3) the Declaration
 23 of Timothy S. Leiman, and supporting exhibits; and (4) such other matters as may be
 24 presented to the Court before or at the time of the hearing.

25 Dated: March 31, 2017

Respectfully submitted,

26 /s/Timothy S. Leiman

27 Timothy S. Leiman

U.S. Securities and Exchange Commission

28 Chicago Regional Office

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6 **CERTIFICATE OF SERVICE**

7 Timothy S. Leiman hereby certifies that he caused the foregoing document to
8 be filed through the Court's CM/ECF system on March 31, 2017, which
9 automatically sends an electronic copy of the document to all counsel of record.

10 **/s/ Timothy S. Leiman**
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